

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JOSE SALAZAR, *individually and on behalf of
all others similarly situated,*

Plaintiffs,

- against -

CUETES CORP.,

Defendant.

-----X

**ORDER GRANTING PLAINTIFFS’
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT AND
CONDITIONAL CERTIFICATION
OF THE SETTLEMENT CLASS**

20 Civ. 8167 (AEK)

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

This Court, having reviewed the Proposed Class Action and Collective Settlement Agreement entered into by the parties, as revised pursuant to the Court’s orders, *see* ECF No. 78 (“Settlement Agreement”), in addition to the parties’ joint motion for preliminary approval and supporting documents filed therewith, hereby:

1. **FINDS** that the requirements of Rule 23 of the Federal Rules of Civil Procedure for certification of a New York Labor Law Settlement Class (the “Settlement Class”) have been satisfied, and therefore **CONDITIONALLY CERTIFIES** a Settlement Class that includes all hourly, non-exempt employees of Defendant employed at any time from October 1, 2014, through September 1, 2021.

2. **FINDS** that all members of the Settlement Class who do not timely exclude themselves from the Settlement will be bound by its terms if finally approved following the Final Fairness Hearing, including the terms of the Final Judgment and Order to be entered herein and the release provided for in the Settlement Agreement. Members of the Settlement Class who object to the final approval of the Settlement, but do not timely exclude themselves, shall remain

members of the Settlement Class and will be bound by the Settlement Agreement if it is approved following the Final Fairness Hearing.

3. **GRANTS** preliminary approval of the parties' Settlement Agreement and **FINDS** that the Settlement Agreement is the product of informed, arm's length negotiations by counsel and that the terms are fair, reasonable, and adequate, subject to any objections that may be raised at the Final Fairness Hearing.

4. **FINDS** that the class notice procedure set forth in the Settlement Agreement satisfies the requirements of state and federal due process and the Federal Rules of Civil Procedure.

5. **APPROVES** the parties' proposed Notice Packet. The Court finds that it constitutes reasonable and the best practicable notice under the circumstances and is in full compliance with applicable law. The Court further finds that the notice fully and accurately informs Settlement Class members of all material elements of the Settlement Agreement and each Settlement Class Member's right to be excluded from the Settlement Class, object to the Settlement, and/or appear at the Final Fairness Hearing. The parties may agree to make non-substantive changes to the Notice Packet without obtaining additional approval or an amended Order from this Court.

6. **ORDERS** the parties' chosen Settlement Administrator to disseminate the parties' proposed Notice Packet to Settlement Class members via U.S. mail within thirty days (30) days of entry of this Order, and otherwise comply with the obligations of the Settlement Administrator as set forth in the Settlement Agreement and exhibits thereto.

7. **ORDERS** that the deadline for opting out or filing objections shall not be more than sixty (60) days after the date of the mailing of the Notice Packet to members of the Settlement Class.

8. **SCHEDULES** a Final Fairness Hearing on August 8, 2024 at 9:30 a.m. in Courtroom 250, Hon. Charles L. Brieant, Jr. Federal Building and Courthouse, 300 Quarropas Street, White Plains, NY 10601, for the following purposes:

a. to finally determine whether this action satisfies the criteria for class/collective certification set forth in Fed. R. Civ. P. 23(a) and (b) and 29 U.S.C. § 216(b);

b. to determine whether the proposed Settlement is fair, reasonable, and adequate and should be granted final approval by this Court;

c. to determine whether a final judgment should be entered dismissing the claims of the Settlement Class and the Collective;

d. to determine Plaintiffs' Counsel's application for its award of attorneys' fees and reimbursement of litigation costs and expenses, and the individual service award to the Class Representative; and

e. to rule upon such other matters as this Court may deem appropriate.

9. **APPOINTS** Mr. Jose Salazar as Class Representative for the Settlement Class and the Collective.

10. **APPOINTS** Benjamin D. Weisenberg, Esq., of the Weisenberg Firm, PLLC as counsel for the Settlement Class and the Collective.

11. **ORDERS** that all briefs, memoranda, petitions, and affidavits to be filed in support of final approval of the Settlement no later than July 29, 2024.

The Clerk of Court is respectfully directed to mark the motion at ECF No. 66 as
GRANTED.

Dated: March 19, 2024
White Plains, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew Krause", written over a horizontal line.

ANDREW E. KRAUSE
United States Magistrate Judge